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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT COURT OF NEW JERSEY**

<p>CARLENE MCPHILLIP,</p> <p>Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>KATHLEEN M. MAGOON (PRIVATE CAPACITY), ROBERT G. MALESTEIN (PRIVATE CAPACITY), NATIONSTAR MORTGAGE LLC DBA MR. COOPER, ALLIED BANK SB DBA SERVBANK</p>	<p>Civil Action No. 1:23-CV-02663-RMB-EAP</p> <p style="text-align: center;"><b>NOTICE OF MOTION TO DISMISS THE FIRST AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(1) AND FED. R. CIV. P. 12(b)(6)</b></p> <p style="text-align: center;"><i>Motion Returnable for August 7, 2023</i></p>
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TO: Carlene McPhillip  
3501 Blackhorse Pk #530-1026  
Turnersville, NJ 08012  
*Pro se*

**PLEASE TAKE NOTICE** that on August 7, 2023 or as soon thereafter as counsel may be heard, Defendant, Nationstar Mortgage LLC d/b/a Mr. Cooper (“Defendant”) by and through their attorneys, shall move before the Honorable Renee Marie Bumb, United States District Judge, at the Martin Luther King Federal Building and United States Courthouse, located at, 50 Walnut Street, Newark, New Jersey 07102, for an order dismissing the First Amended Complaint filed in this action by Plaintiff, Carlene McPhillip, with prejudice, pursuant to Fed. R. Civ. P. 12(b)(1) and Fed. R. Civ. P. 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that in support of this Motion, Defendant will rely upon the accompanying Memorandum of Law and Declaration of Brian M. Gilbert, Esq., with exhibits. A proposed form of order has also been submitted.

MCCALLA RAYMER LEIBERT PIERCE, LLC  
*Attorneys for Defendant, Nationstar Mortgage LLC  
d/b/a Mr. Cooper*

Dated: July 10, 2023

By: /s/ *Brian M. Gilbert*  
Brian M. Gilbert